REMARKS/ARGUMENTS

The claims are 43-45 and 62-65, with claims 34-42 and 46-61 having been withdrawn from consideration by the Examiner as directed to a non-elected invention.

Claims 43-45 and 62-65 were rejected under 35 U.S.C. 103(a) as being unpatentable over the *Lenka S. et al.* or *Aich R. et al.* articles cited in the International Search Report for the reasons set forth on pages 2-3 of the Office Action.

Essentially the Examiner's position was (1) that each of these references discloses the electrodes recited in the claims, except for reaction products of 4-{1-[(2, 4-di(substituted)-phenyl)-hydrazano]-alkyl}-benzene-1,3-diol with a phenol or a 3,5-disubstituted phenol, (2) that *Lenka S. et al.* and *Aich R. et al.* disclose similar reactants, and (3) that it would have been obvious to one of ordinary skill in the art to replace the claimed reactants by the similar reactants disclosed in *Lenka S. et al. or Aich R. et al.* because they are said to have been shown to be effective in a similar system and thus would have been expected to provide adequate results, in the absence of a showing

of unexpected results derived from the selections recited in the claims.

This rejection is respectfully traversed and reconsideration is expressly requested.

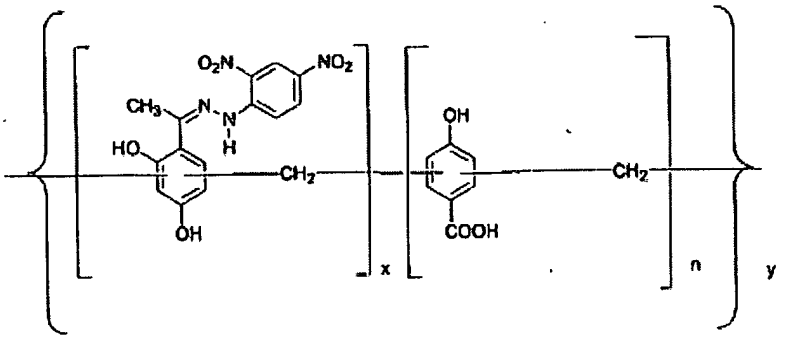
As set forth in claims 43-45 and 62-65, Applicants' invention provides electrodes (anodes and cathodes) including a specified catalyst according to claim 41 and fuel cells including these anodes, cathodes or electrodes as more specifically recited in the claims. It is respectfully submitted that neither *Lenka S. et al.* nor *Aich R. et al.* discloses or suggests such electrodes, anodes, cathodes or fuel cells or have any disclosure that is of any relevance to same. Although these documents were considered during the International examination and the following EP procedure, it is respectfully submitted that these documents were considered pertinent only in respect to a group much wider than the original claims presented therein, which also included compounds of the same family. It is respectfully submitted that the compounds described in *Lenka S. et al.* and *Aich R. et al.* are simply described as useful as ion exchange resins capable of a

selective uptake of a metal ion depending on the pH. See description as a whole and in particular the last paragraph of *Lenka S. et al.* Such compounds represent at most a simple sort of starting compound in respect of Applicants' electrodes as recited in the claims because nothing in these references or anywhere else suggests that such compound should be reduced or pyrolized in order to obtain the wanted catalyst which allow the claimed electrodes.

In other words, it is respectfully submitted that to say that the compounds described in *Lenka S. et al.* or *Aich R. et al.* suggest Applicants' electrodes and/or the catalyst constituting them as recited in Applicants' claims is tantamount to saying that an iron ore anticipates whatever final product is made of iron, such as for example, a hammer or a wheel.

In any event, in spite of the apparent similarity between the compounds (i.e. the polymers) described in *Lenka S. et al.* and *Aich R. et al.* and those claimed in Applicants' claim 34 on which claims 43-45 and 62-65 indirectly depend, it should be noted that the reaction between 2,4-dinitrophenylhydrazone of

resacetophenone with substituted benzoic acid as described in these articles would lead to products of formula



As can easily be seen, this formula does not fall under the general formula (I) as described in the specification because of the different position and nature of the substitutents on the phenol. There is, however, only one possible, and just incidental, overlapping between the claimed compounds of formula (I) and the compound 1 in Table 1, which is in fact a compound of formula (I) wherein: $R_2=R_3=NO_2$, R_1=Me, R_4=H, R_5=OH but the overlapping is avoided by the introduction of the appropriate proviso (i.e. that the 3-substituted phenol can not be resorcinol).

For the rest, as stated above it is respectfully submitted that a person skilled in the art looking for new catalysts for fuel cells would have no reason to consider the compounds described in *Lenka S. et al.* or *Aich R. et al.* as useful for his or her purposes (i.e. making available new electrodes for fuel cells having particularly high performances) not only because there is no disclosure or suggestion for such purposes in these references or anywhere else, but also especially in view of the transformations that such compounds must undergo in order to be suitable for the wanted scope.

Accordingly, it is respectfully submitted that claims 43-45 and 62-65 are patentable over the cited references.

In view of the foregoing it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
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Enclosure: Copy of Petition for one-month Extension of Time

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 10, 2008.

Amy Klein